

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK HAMPTON,)	
)	
Petitioner,)	Civil Action No. 2:25-CV-261
)	
v.)	Magistrate Judge Maureen P. Kelly
)	
PA PAROLE BOARD, SUPERINTENDENT)	Re: ECF No. 15
BROTHERS, PA ATTORNEY GENERAL,)	
)	
Respondents.)	

ORDER

Derrick Hampton (“Petitioner”) is a state prisoner who is seeking federal habeas relief from the decision of Respondent Pennsylvania Parole Board denying his requests for parole. ECF No. 3 at 5. Currently before this Court is Petitioner’s request for discovery, which was appended to his Traverse. ECF No. 15 at 5.

Petitioner’s request for discovery relies entirely upon Rule 26 of the Federal Rules of Civil Procedure, which allows discovery of relevant, non-privileged material in a typical civil action. Id. at 5-6 (citing Fed. R. Civ. P. 26). But a federal habeas petition pursuant to 28 U.S.C. § 2254 is not a typical civil action, and Rule 26 does not set the standard for discovery in a habeas case.

“A habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course.” Bracy v. Gramley, 520 U.S. 899, 904 (1997). See also Harris v. Nelson, 394 U.S. 286, 300 (1969) (“broad-ranging preliminary inquiry is neither necessary nor appropriate in the context of a habeas corpus proceeding.”). Discovery is authorized in Rule 6(a) of the Rules Governing Section 2254 Cases in the United States District Courts only by leave of court upon a showing by the petitioner of “good cause,” which may be

made “where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is . . . entitled to relief[.]” Harris, 394 U.S. at 300. See also Bracy, 520 U.S. at 908-09.

Petitioner’s request for discovery does not address – or even recognize the existence of – the good cause standard of Rule 6. Accordingly, it is DENIED. Denial is without prejudice to Petitioner submitting a renewed motion for discovery, on or before **July 25, 2025**, in which Petitioner demonstrates good cause under Rule 6 why the specific discovery that he seeks should be allowed.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219.

Failure to file a timely appeal will constitute a waiver of any appellate rights.

Dated: June 25, 2025.

BY THE COURT:

/s/Maureen P. Kelly
MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

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All counsel of record (*via* CM/ECF)